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IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH AT BILASPUR.

W.P.NO. 2227/2003

PETITIONER : Dr. Y.N. Jha age 52 years S/o Late Kedarnath Jha, Assistent Proffesar- Zoologly Govt. Arts & Commerce College Jarhabhatha Bilaspur (C.G.)

P.R. No. 2037/03
Presented by Shri S.S. Mishra
dated 25.02.03

VERSUS

RESPONDENTS : (1) State of Chhattisgarh Through- Secretary Department of Higher Education D.K.S. Bhavan Raipur (C.G.)

(2) Special Executive Officer Commissioner Office Higher Education of C.G. Raipur (C.G.)

WRIT PETITION UNDER ARTICLA 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUENCE OF WRIT IN THE NATURE OF QUO-WARANTO, CERTIORARY & MANDAMUS :

(37)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 2227/2003 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

26-08-2003

Shri Y.C. Sharma, counsel for the petitioner.

Miss Sharmila Singhai, Dy. Govt. Advocate, for the State.

Heard both the counsel.

By this petition under Articles 226 and 227 of the Constitution of India, the petitioner seeks to challenge the action of the respondents for not considering his name for the promotion in the proposed Departmental Promotion Committee on the ground that his petition challenging his previous promotion order is pending before the State Administrative Tribunal.

The case of the petitioner is that he is working as Assistant Professor in Government Arts and Commerce College, Jarhabhata, Bilaspur. He was appointed as Assistant Professor in the year 1977 and he has obtained Ph.D. in the year 1978. State of Madhya Pradesh promoted two Assistant Professors namely Dr. R.R. Konhare and Dr. B.L. Goel who were junior to the petitioner. Dr. R.R. Konhare was at Sl.No. 66 and Dr. B.L.Goel was at S.No.110 and both of them were junior to the petitioner. The petitioner was not promoted even though he was senior to these two Assistant Professors. On being asked by the respondent No.2, the relevant record was also provided by the petitioner to him. The petitioner had also

पीछे देखें

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P. No 2227/2003

मामला क्रमांक ..... सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

made a representation for considering his name for promotion, but the same was rejected on 08-09-2000.

Learned counsel for the petitioner submitted that respondents are not considering the case of the petitioner for promotion only on the ground of pendency of his Original Application before the State Administrative Tribunal. He further submitted that the Tribunal has been abolished and he is not in a position to seek any order from there. He further submitted that his Original Application pending before the State Administrative Tribunal may be treated as withdrawn and further a direction be given to the respondents to consider his representation before the Departmental Promotion Committee consider the cases for promotion.

Having heard learned counsel for the parties and having considered the facts and circumstances of the case, I am of the opinion that the submissions made by learned counsel for the petitioner are fair and reasonable. It is, therefore, directed that since the State Administrative Tribunal stands abolished and in the given situation the petitioner himself is seeking to withdraw the Original Application pending before the State Administrative Tribunal, the Original Application may be treated as dismissed as withdrawn. It is further directed that if the petitioner makes a representation within a period of 10 days from today, before the

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XI-HC-22

(39)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No.2227/2003 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	respondent No.2, he shall consider his representation in an objective manner before the Departmental Promotion Committee consider the cases for promotion. With this observation, the petitions stands disposed of. Parties are entitled for the certified copy of the order. Sd/- L.C.BHADOO Judge	